THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 6342 OF 2006

Date: 30-11-2006

Between :

M/s R.Narayana Reddy & Sons Constructions (P) Ltd.,
Rep., by its Managing Director, R.Rami Reddy,
Hanamkonda, Warangal District.

…..Petitioner

And

The Chief Administrative Officer,
Construction, South Central Railway,
Secunderabad and another.

… Respondents

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WRIT PETITION NO. 6342 of 2006

ORDER:

The petitioner, who was awarded the contract vide Agreement No.22/CAO/C/SC/2004, dated 23-02-2004 to carry out Karimnagar-Jagityal (New BG Line) construction of Major bridge No.226 proposed as 1 x9.15 M PSC Slab (RUB) at Ch.37591 M Bridge No.280 proposed as 1 x 9.15 M PSC Slab (sk) at Ch.50000 M across regular stream and Bridge No.401 proposed as 1 x 9.15 M PSC slab (sk) at Ch.77869 M across nallah including earth work on approaches of bridges on both ends between Karimnagar and Jagityala Stations, filed this writ petition seeking a declaration that the action of the respondents in withholding the seigniorage charges on the ordinary earth as arbitrary and illegal; and consequently to direct the respondents not to recover or withhold seigniorage charges from the bills payable to him.

I have heard the learned Counsel for both the parties and perused the material on record.

Having considered an identical issue, a Division Bench of this Court in M/s. MRKR-MBGEC v. CHIEF ADMINISTRATIVE OFFICER, CONSTRUCTION, SOUTH CENTRAL RAILWAY[1] held that all contractors like the petitioners are duly bound to pay the seigniorage charges on the ordinary sand used for construction purposes.

The ratio laid down by the Division Bench in the above said decision squarely applies to the present case and the petitioner herein also stands on the same footing. Hence, the relief as prayed for cannot

be granted.

However, liberty is granted to the petitioner to avail the appropriate alternative remedy as available under law for redressal of his grievance, if any.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Date: 30-11-2006
KLP

[1] 2006 (3) ALT 274 (D.B.)